

REMARKS

In the **non-final** Office Action mailed January 11, 2011, the Office noted that claims 21-35 were pending and rejected claims 21-35. In this amendment, no claims have been amended, no claims have been canceled, claims 36-46 are new, and, thus, in view of the foregoing, claims 36-46 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 101

Claims 21-24 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims may read on propagation signals.

The Applicants have canceled claims 21-24. However, claims 36-39 replace claims 21-24 and are amended to recite an "information record medium on which there are recorded in a non-transitory state." Anyone of ordinary skill in the art would recognize the recordation in a non-transitory state, prohibits the interpretation that the medium is transitory.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 21-35 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kato, U.S. Patent Publication No. 2007/0286577

in view of Morris, U.S. Patent Publication No. 2001/0026561 in view of Yamada, U.S. Patent No. 6,778,759 in view of Saeki, U.S. Patent No. 6,389,221. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicants canceled claims 21-35 in favor of claims 36-46. The claims are mapped as follows:

Old Claims	New Claims
21 to 24 (record medium)	36 to 39
25 (record apparatus)	40
26 (record method)	41
27 to 28 (reproduction apparatus)	42 to 43
29 (reproducing method)	44
30 (record/reproduction apparatus)	Canceled
31 (record/reproduction method)	Canceled
32 (program for record)	45
33 (program for reproduction)	46
34 (program for record/ reproduction)	Canceled
35 (data structure)	Canceled

The Applicants have amended claims 36, 40 and 41 so as to clarify that each of the plurality of packets stores a fragment of the elementary stream. This amendment is based on Fig. 11.

The Applicants have amended claims 36, 40 and 41 so as to clarify that (i) the item information specifies one portion of

the object information for said content information and (ii) the slave item information specifies other portion of the object information for said sub-picture information. This amendment is based on page 77 line 22 to page 78 line 11 of the Specification.

The Applicants have deleted the expression "the menu information includes information for indicating the number of the menu-button which is displayed on a display-screen" from claims 36, 40 and 41.

The Applicants have amended claims 36, 40 and 41 so as to clarify that the object information further includes an address of the sub-picture information which is specified by the slave item information. This amendment is based on page 97 line 19 to page 99 line 24 of the Specification.

The Applicants have deleted the expression "the content information and the menu information is recorded such that the reproduction of the content information which is reproduced before the display of the menu-button is kept, by controlling the content information and the menu information independently and separately, during the menu-button is superimposed on the display of the content information" from claims 36, 40 and 41.

The Applicants have added the expression "each of the content information and the menu information is recorded into same area" into claims 36, 40 and 41. This amendment is based on page 33 lines 1 to 7, page 41 lines 1 to 20 and page 42 lines 7 to 23 of the Specification.

The Applicants have added the expression "the sub-picture information further includes (i) cut out range information for indicating cutting out range of said sub-picture information and (ii) display position information for indicating a display position at which the sub-picture information, which is cut out on the basis of the cut-out range information, is displayed on the content information" into claims 36, 40 and 41. This amendment is based on page 73 lines 13 to 26 and page 78 line 19 to page 79 line 1 of the Specification.

According to the present and previous office actions, it seems to us that the Office regards the "thumbnail picture displayed on the menu screen (see Kato ¶¶ 0506 and 0534) of Kato as the "sub-picture information". However, the Applicants cannot agree with the above assertion for the following reasons.

Firstly, the "thumbnail picture" of Kato is not constructed from the elementary stream, is not stored as packets, and is not superimposed on a display of the AV stream. Specifically, as shown in Fig. 14 and paragraph 0224 of Kato, the "thumbnail picture" of Kato is stored in the file of menu.thmb as the still picture, aside from the Transport Stream file (M2TS). In addition, as shown in paragraph 0506 of Kato, the "thumbnail picture" of Kato is displayed by selecting the reproduced AV stream before the AV stream is displayed. On the other hand, the "menu information" of new claims 22 to 28 is constructed from the elementary stream, is stored as packets, and is superimposed on a

display of the content information.

Applicants believe that the "thumbnail picture" of Kato is absolutely different from the "sub-picture information" of new claims 36 to 46. Therefore, since the Office's interpretation with respect to Kato related to the "sub-picture information" and the "thumbnail picture" is incorrect and therefore the Office's rejection is not sustainable.

Moreover, in Kato, the related object information of the "thumbnail picture" of Kato is not indicated by any information. Similarly, the identification information of the `ref_thumbnail_index` (the identification information of the slave item information) related to the "thumbnail picture" of Kato is not indicated by any information.

Further, as described above, since the "thumbnail picture" of Kato is not constructed from the elementary stream and is not stored as the packets, Kato does not disclose the relationship between the elementary stream and packets of the "thumbnail picture". In other words, it cannot be interpreted that the CLIPINF of Kato (see Kato Fig. 14) indicates the relationship between the elementary stream and packets of the thumbnail picture.

In addition, in Kato, the address of the "thumbnail picture" of Kato is not indicated by any information. On the other hand, according to the invention of new claims 36 to 46, the address of the "sub-picture information" is indicated by the

object information.

Similarly, the relationship between the elementary stream and packets of the "thumbnail picture" of Kato is not indicated by any information. On the other hand, according to the invention of new claims 36 to 46, the relationship between the elementary stream and packets of the "sub-picture information" is indicated by the object information.

Applicants believe that the "thumbnail picture" of Kato is absolutely different from the "sub-picture information" of new claims 36 to 46. Therefore, since the Office's interpretation with respect to Kato related to the "sub-picture information" and the "thumbnail picture" is incorrect, the rejection is not sustainable.

Further, as shown in Fig. 14 of Kato, the "thumbnail picture" of Kato is stored in the file of menu.thmb, while AV stream (i.e. content information) of Kato is stored in the different file of M2TS.

Further, in Kato, there is no suggestion to cut out one portion of the "thumbnail picture", which means that Kato does not disclose information for indicating the cut out range of the "thumbnail picture". On the other hand, according to the invention of new claims 36 to 46, the one portion (one range) of the "sub-picture information" is cut out on the basis of the cut out range information.

Similarly, in Kato, there is no suggestion to cut out

one portion of the "thumbnail picture", which means that Kato does not disclose information for indicating the display position of the cut out "thumbnail picture". On the other hand, according to the invention of new claims 36 to 46, the one portion (one range) of the "sub-picture information" is cut out and displayed at the position indicated by the display position information.

Applicants believe that the "thumbnail picture" of Kato is absolutely different from the "sub-picture information" of new claims 36 to 46. Therefore, since the Office's interpretation with respect to Kato related to the "sub-picture information" and the "thumbnail picture" is incorrect, the Office's rejection is not sustainable.

Thus, Kato (and any other references) does not disclose, suggest or teach such a feature of new claims 36 to 46 such as the "sub-picture information".

Kato (and further another cited reference) does not disclose, suggest or teach such a feature of new claims 36 to 46 that "item information includes information which indicates an identification information of the slave item information".

Firstly, as described above, since Kato does not disclose, suggest or teach the "sub-picture information" of new claims 36 to 46, Kato does not disclose the "slave item information" of new claims 36 to 46 related to the "sub-picture information". Thus, Kato does not disclose the "item information includes information which indicates an identification

information of the slave item information”

In addition, the Office states “Kato discloses [...] the item information includes information related to the slave item information (see paragraphs 0036 and 0405 where the prior art teaches the field of the `ref_thumbnail_index` denotes the information of the thumbnail picture added to the mark; this picture referenced using the value of reference thumbnail index in the mark thumbnail file)”. According to the above comment, it seems to us that the Office regards the “`ref_thumbnail_index`” of Kato as the “identification information of the slave item information” of new claims 36 to 46.

However, in the previous Office Action, the Office always regarded the “`ref_thumbnail_index` which denotes the information of the thumbnail picture” of Kato as the “slave item information which specifies the sub-picture information” of new claims 36 to 46. Thus, considering the Office’s comments on the previous Office Action and the current Office Action, it seems to us that Office regards the “`ref_thumbnail_index`” of Kato as both of the “slave item information” of new claims 36 to 46 and the “identification information of the slave item information” of new claims 36 to 46.

However, the “slave item information” of new claims 36 to 46 is absolutely different information from the “identification information of the slave item information” of new claims 36 to 46. Therefore, there is an apparent contradiction



in Office Actions.

Thus, Kato does not disclose, suggest or teach such a feature of new claims 36 to 46 that "item information includes information which indicates an identification information of the slave item information".

Further, the "identification information" of new claims 36 to 46 is included in the "item information". On the other hand, the "ref\_thumbnail\_index" of Kato is not included in the "playitem" of Kato. Specifically, Kato merely discloses that the "ref\_thumbnail\_index" is included in the "USAppInforVolume()" shown in Fig. 18, the "UIAppINforPlayList2()" shown in Figs. 27 and 135, the "PlayListMark()" shown in Fig. 42 and the "ClipMark()" shown in Figs. 75, 78, 126, 127 and 137, each of which is not the "playitem".

Thus, Kato does not disclose, suggest or teach such a feature of new claims 36 to 46 that "item information includes information which indicates an identification information of the slave item information".

Further, Kato (and further another cited reference) does not disclose, suggest or teach such a feature of new claims 36 to 46 that "each of the content information, the play list information and the object information is recorded into a different area, respectively".

Firstly, as described above, since Kato does not disclose, suggest or teach the "sub-picture information" of new

claims 36 to 46, Kato does not disclose the "play item information" and the "object information" of new claims 36 to 46 both of which are information for managing the "sub-picture information". For example, although the "Playlist" and the "PlayItem" of Kato may manage the "thumbnail picture", since the "thumbnail picture" of Kato is absolutely different from the "sub-picture information" of new claims 36 to 46, the "Playlist" and the "PlayItem" of Kato is different from the "play list information". Similarly, although the "Clip" of Kato may manage the "thumbnail picture", since the "thumbnail picture" of Kato is absolutely different from the "sub-picture information" of new claims 36 to 46, the "Clip" of Kato is different from the "object information".

Therefore, Kato does not disclose that "each of the content information, the play list information and the object information is recorded into a different area, respectively".

Further, in the Office Action it is stated that "Claim 21 differs from Kato in that the claim further requires object information for indicating a relationship between packets and the elementary stream of each of the content information and the menu information". Namely, the Office has recognized that Kato does not disclose the "object information" of new claims 36 to 46. Thus, Kato does not disclose that "each of the content information, the play list information and the object information is recorded into a different area, respectively."

Further, Kato (and further another cited reference) does not disclose, suggest or teach such a feature of new claims 36 to 46 that "the object information further includes an address of the sub-picture information which is specified by the slave item information".

Firstly, as described above, since Kato does not disclose, suggest or teach the "sub-picture information" of new claims 36 to 46, therefore, Kato does not disclose the "object information" of new claims 36 to 46 which is information for managing the "sub-picture information" by using the address of the sub-picture information.

Kato does not disclose that "the object information further includes an address of the sub-picture information which is specified by the slave item information".

Further, the Office states "Claim 21 differs from Kato in that the claim further requires object information for indicating a relationship between packets and the elementary stream of each of the content information and the menu information". Namely, the Office has recognized that Kato does not disclose the "object information" of new claims 36 to 46.

Thus, Kato does not disclose "the object information including an address of the sub-picture information which is specified by the slave item information".

Further, Kato (and further another cited reference) does not disclose, suggest or teach a feature of new claims 36 to

46 that "the slave item information specifies other portion of the object information for the sub-picture information as a slave item".

Firstly, as described above, since Kato does not disclose, suggest or teach the "sub-picture information" of new claims 36 to 46, it does not disclose the "slave item information" of new claims 36 to 46 which is information for managing the "sub-picture information".

Therefore, Kato does not disclose that "the slave item information specifies other portion of the object information for the sub-picture information as a slave item".

Additionally, the Office Action states "Claim 21 differs from Kato in that the claim further requires object information for indicating a relationship between packets and the elementary stream of each of the content information and the menu information". Namely, the Office has recognized that Kato does not disclose the "object information" of new claims 36 to 46. Thus, Kato does not disclose "the slave item information specifies other portion of the object information for the sub-picture information as a slave item".

As described above, in the previous office action, the Office always regarded the "ref\_thumbnail\_index" of Kato as the "slave item information" of new claims 36 to 46. However, the "ref\_thumbnail\_index" of Kato does not specify other portion of any information (for example, ClipInformation) for the thumbnail.

Kato (and further another cited reference) does not disclose, suggest or teach the feature of new claims 36 to 46 that "the sub-picture information further includes (i) cut out range information for indicating cutting out range of said sub-picture information and (ii) display position information for indicating a display position at which the sub-picture information, which is cut out on the basis of the cut-out range information, is displayed on the content information".

As described above, since Kato does not disclose, suggest or teach the "sub-picture information" of new claims 36 to 46, Kato does not disclose the "cut out range information" and the "display position information" of new claims 36 to 46 related to the "sub-picture information".

Thus, Kato does not disclose that "the sub-picture information further includes (i) cut out range information for indicating cutting out range of said sub-picture information and (ii) display position information for indicating a display position at which the sub-picture information, which is cut out on the basis of the cut-out range information, is displayed on the content information."

For at least the reasons discussed above, Kato, Morris, Yamada and Saeki, taken separately or in combination, fail to render obvious claims 36, 40 and 41 and the claims dependent therefrom.

Claims 21-35 stand rejected under 35 U.S.C. § 103(a) as

being obvious over Kato in view of Cuccia, U.S. Patent No. 6,157,673 in view of Yamada in view of Saeki. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The claims were amended as discussed above. Argumes as to Kato above, apply likewise here.

For at least the reasons discussed above, Kato, Cuccia, Yamada and Saeki, taken separately or in combination, fail to render obvious claims 36, 40 and 41 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 103. It is also submitted that claims 36-46 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./  
James J. Livingston, Jr.  
Reg. No. 55,394  
209 Madison St, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573

JJL/lrs